IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CRESS CARNEY, Plaintiff, v. SUPERINTENDENT LAPINSKAS, *et al.*, Defendants.	Case No. 3:19-cv-00317-SLG-MMS

ORDER RE FINAL REPORT AND RECOMMENDATION

Before the Court at Docket 16 is defendants former Superintendent William Lapinskas, Sergeant Matt Stanley, Sergeant Justin Ennis, and Criminal Justice Technician Alexandra Gilmore's *Motion to Dismiss*. No response was filed to the motion. The motion was referred to the Honorable Magistrate Judge Matthew McCrary Scoble. At Docket 19, Judge Scoble issued his Report and Recommendation, in which he recommended that the motion be granted. No objections to the Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."[1] A court is to "make a de novo determination of those portions of the magistrate judge's report

[1] 28 U.S.C. § 636(b)(1).

or specified proposed findings or recommendations to which objection is made."[2] But as to those topics on which no objections are filed, "[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct."[3]

The magistrate judge recommended that the Court grant the *Motion to Dismiss*. The Court has reviewed the Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that the *Motion to Dismiss* is GRANTED. The Clerk of Court is directed to enter a final judgment accordingly.

DATED this 25th day of August, 2021 at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

[2] *Id.*

[3] *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.").